

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

August 1, 2025

FOR THE TENTH CIRCUIT

Christopher M. Wolpert
Clerk of Court

BLACK EMERGENCY RESPONSE
TEAM; UNIVERSITY OF OKLAHOMA
CHAPTER OF THE AMERICAN
ASSOCIATION OF UNIVERSITY
PROFESSORS; OKLAHOMA STATE
CONFERENCE OF THE NATIONAL
ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE; AMERICAN INDIAN
MOVEMENT INDIAN TERRITORY;
PRECIOUS LLOYD, as next of friend of
S.L.; ANTHONY CRAWFORD; REGAN
KILLACKEY,

Plaintiffs - Appellants/Cross-
Appellees,

v.

GENTNER DRUMMOND, in his official
capacity as Oklahoma Attorney General;
RYAN WALTERS, in his official capacity
as Oklahoma Superintendent of Public
Instruction; ZACHARY ARCHER;
DONALD BURDICK; SARAH LEPAK;
KATIE QUEBEDEAUX; KENDRA
WESSON, in their official capacities as
members of the Oklahoma State Board of
Education; KEVIN STITT, in his official
capacity as Governor of Oklahoma; JACK
SHERRY; DENNIS CASEY; STEVEN
TAYLOR; COURTNEY
WARMINGTON; P. MITCHELL
ADWON, JR.; JEFFREY HICKMAN;
DUSTIN HILLIARY; KEN LEVIT;
MICHAEL TURPEN, in their official
capacities as the Oklahoma State Regents
for Higher Education; JOHN R.

No. 24-6139
(D.C. No. 5:21-CV-01022-G)
(W.D. Okla.)

BRAUGHT; ANITA HOLLOWAY; RICK
NAGEL; ROBERT ROSS; NATALIE
SHIRLEY; ERIC STEVENSON;
KENNETH S. WAITS, in their official
capacities as members of the Board of
Regents of the University of Oklahoma,

Defendants - Appellees/Cross-
Appellants,

and

UNIVERSITY OF OKLAHOMA BOARD
OF REGENTS; INDEPENDENT
SCHOOL DISTRICT NO. 12 OF
OKLAHOMA COUNTY, OKLAHOMA,
a/k/a Edmond Public Schools,

Defendants.

ORDER

This matter is before the court on the *Joint Stipulation to Dismiss Appeal* filed by the parties. (Dkt. No. 59 in appeal no. 24-6139.)

The *Joint Stipulation* indicates that some—but not all—of the plaintiffs-appellants in this matter wish to dismiss this appeal as it pertains to the defendants-appellees in this appeal.

Specifically, the *Joint Stipulation* says that appellants Black Emergency Response Team (“BERT”) and University of Oklahoma Chapter of the American Association of University Professors (“OU-AAUP”) wish to dismiss this appeal as it pertains to John R. Braught, Robert Ross, Natalie Shirley, Eric Stevenson, Anita Holloway, Kenneth S. Waits, and Rick Nagel (collectively, “University Appellees”).

However, the *Joint Stipulation* also says that “BERT and ... OU-AAUP have no remaining claims against University Defendants-Appellees or State Defendant-Appellees.” The term “State Defendant-Appellees” is not defined in the *Joint Stipulation*. However, given the statement in the *Joint Stipulation* that “BERT and OU-AAUP are dismissed as parties in the instant appeal,” which suggests that BERT and OU-AAUP have no remaining appellate claims in relation to any other party, the court will define “State Defendant-Appellees” for purposes of the *Joint Stipulation* and this order as including the following parties:

- Gentner Drummond, in his official capacity as Oklahoma Attorney General;
- Ryan Walters, in his official capacity as Oklahoma Superintendent of Public Instruction;
- Zachary Archer, in his official capacity as a member of the Oklahoma State Board of Education;
- Donald Burdick, in his official capacity as a member of the Oklahoma State Board of Education;
- Sarah Lepak, in her official capacity as a member of the Oklahoma State Board of Education;
- Katie Quebedeaux, in her official capacity as a member of the Oklahoma State Board of Education;

- Kendra Wesson, in her official capacity as a member of the Oklahoma State Board of Education;
- Kevin Stitt, in his official capacity as Governor of Oklahoma;
- Jack Sherry, in his official capacity as a member of the Oklahoma State Regents for Higher Education;
- Dennis Casey, in his official capacity as a member of the Oklahoma State Regents for Higher Education;
- Steven Taylor, in his official capacity as a member of the Oklahoma State Regents for Higher Education;
- Courtney Warmington, in her official capacity as a member of the Oklahoma State Regents for Higher Education;
- P. Mitchell Adwon, Jr., in his official capacity as a member of the Oklahoma State Regents for Higher Education;
- Jeffrey Hickman, in his official capacity as a member of the Oklahoma State Regents for Higher Education,
- Dustin Hilliary, in his official capacity as a member of the Oklahoma State Regents for Higher Education;
- Ken Levit, in his official capacity as a member of the Oklahoma State Regents for Higher Education; and
- Michael Turpen, in his official capacity as a member of the Oklahoma State Regents for Higher Education.

Finally, the *Joint Stipulation* indicates that BERT and OU-AAUP and the University Appellees will be responsible for their own costs and fees.

Upon consideration, the court construes the *Joint Stipulation* as a motion to voluntarily dismiss made pursuant to Federal Rule of Appellate Procedure 42(b) and grants the motion as construed. This appeal is dismissed, but only insofar as it involves claims between:

- (1) BERT and the University Appellees;
- (2) BERT and the State Defendants-Appellees, as defined in this order;
- (3) OU-AAUP and the University Appellees; and
- (4) OU-AAUP and the State Defendants-Appellees, as defined in this order.

As specifically stated in the *Joint Stipulation*, BERT, OU-AAUP, and the University Appellees will bear their own costs and fees as related to the appellate claims between those parties.

The court notes that the *Joint Stipulation* was captioned for appeal nos. 24-6139 and 24-6140, and was only filed in those two appeals. Appeal no. 24-6141 is not affected by this order. The parties in that appeal remain free to file a motion to voluntarily dismiss under Rule 42(b) at any juncture.

As to the parties and/or appeals unaffected by this order, the first brief on cross-appeal remains due as set forth in the court's previous order. (Dkt. No. 58.)

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk